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August 13, 2021

**VIA ECF**

The Hon. Judith C. McCarthy  
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

**Re: *Pro-Hitter Corp. v. Amazon.com, Inc. and Amazon.com Inc. et al.*, No. 7:20-cv-07537-KMK (S.D.N.Y.)**

Dear Magistrate Judge McCarthy:

Pursuant to the Court's August 2, 2021 Memo Endorsement, Plaintiff Pro-Hitter Corporation ("Pro-Hitter") and Defendants Amazon.com, Inc. and Amazon.com Services ("Amazon") hereby submit this joint letter updating the Court on the status of settlement. Since the July 30, 2021 letter to the Court, the parties have continued to make substantial progress in working toward finalizing their written settlement agreement. The parties are currently in the process of executing the agreement and anticipate that the case will be dismissed thereafter pursuant to the terms of the agreement. To that end the parties will provide the Court with a further update on August 27, 2021, should dismissal papers not be filed by that time.

Thank you for Your Honor's continued attention to this matter.

Respectfully submitted,

*/s/ Jared B. Briant*

Jared B. Briant

cc: All counsel of record (via ECF)

**SO ORDERED:**

The parties are directed to provide a further update regarding the status of settlement on August 27, 2021.

*Judith C. McCarthy* 8-16-21

JUDITH C. McCARTHY  
United States Magistrate Judge